

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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LISA SEEMANN,

Plaintiff,

v.

NEW YORK STATE OFFICE OF THE  
MEDICAID INSPECTOR GENERAL,

Defendant.

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**NOTICE OF MOTION AND  
MOTION TO DISMISS  
PURSUANT TO FRCP 12(b)(6)/  
AND FOR A PROTECTIVE  
ORDER**

Civ. No. 17-cv-0901 (GLS/CFH)

**PLEASE TAKE NOTICE**, that upon the Declarations of Kyle W. Sturgess and Dionne A. Wheatley, Esq., made on or about December 15, 2017, and all of the attachments and Exhibits annexed thereto; and upon the accompanying Memorandum of Law, dated December 15, 2017, the Defendant, New York State Office of the Medicaid Inspector General (“OMIG” or the “Defendant”) will move this Court, at the United States Courthouse at 445 Broadway, Albany, New York, **at 10:00 a.m. on January 17, 2018 or as soon thereafter as counsel may be heard**, for an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) partially dismissing the Plaintiff’s Second Amended Complaint with prejudice, for failure to state a claim upon which relief may be granted; and/or for a protective order directing the return and destruction of a privileged attorney-client communication made on or about November 30, 2017, and a prohibition upon the Plaintiff’s use of the same; and

**PLEASE TAKE FURTHER NOTICE**, that in the absence of a briefing schedule ordered by the Court to the contrary, pursuant to Local Rule of Civil Procedure 7.1(b)(1) the Plaintiff must file any opposition papers to this Motion, and serve them upon the Defendant, not less than

seventeen (17) days prior to the return date of this Motion; and that the undersigned intends to file reply papers, which must be filed and served upon the Plaintiff not less than eleven (11) days prior to the return date of this Motion.

Dated: December 15, 2017  
Albany, New York

**ERIC T. SCHNEIDERMAN**  
Attorney General of the State of New York  
*Attorney for the Defendant*  
The Capitol  
Albany, New York 12224-0341

By: *s/ Kyle W. Sturgess*  
Kyle W. Sturgess  
Assistant Attorney General  
NDNY Bar Roll No. 302888  
Telephone: (518) 776-2592  
Fax: (518) 915-7740  
Kyle.Sturgess@ag.ny.gov

TO: Patrick Sorsby, Esq.  
Law Office of Patrick Sorsby  
*Attorney for the Plaintiff*  
1568 Central Avenue  
1<sup>st</sup> Floor  
Albany, New York 12205  
(518) 545-4529  
sorsbylaw@gmail.com